



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAC  
#4

In re the Application f: COLUMBUS

Att rn y D cket N . 1477-P02227US1

Application No. 10/074,900

Group Art Unit: 1764

Filed: February 12, 2002

CONFIRMATION NO. 6464

For: CARTRIDGE FOR CONTAINING  
A SPECIMEN SAMPLE FOR  
OPTICAL ANALYSIS

July 24, 2002

RECEIVED  
JUL 31 2002  
OFFICE OF PETITIONS

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this Response and accompanying papers are being deposited on July 24, 2002 with the United States Postal Service as first-class mail in an envelope properly addressed to COMMISSIONER OF PATENTS AND TRADEMARKS, Washington, DC 20231

July 24, 2002  
Date of Certificate

Henry H. Skillman  
PTO Registration No. 17,352

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Any deficiency or overpayment in the total fee that results from the submission of the enclosed paper is hereby authorized to be charged or credited, as the case may be, to Deposit Account No. 04-1406.

July 24, 2002  
Date

Henry H. Skillman  
Reg. No. 17,352

**RETROACTIVE PAYMENT OF LARGE ENTITY FEES  
PURSUANT TO 37 C.F.R. §1.28(c)**

Applicant hereby requests, and, if necessary, petitions that the U.S. Patent and Trademark Office accept the enclosed retroactive payment of large entity fees pursuant to C.F.R. §1.28(c).

The above-identified application was originally filed claiming small entity status. At the time of filing, the above-identified application was owned by Immunivest Corporation and continues to be owned by Immunivest Corporation to present date. Immunivest Corporation is a research enterprise and is entitled to claim small entity status. Accordingly, at the time of filing of the small entity claim, a good faith belief existed that such application was entitled to a claim for small entity status.

In July 2002, the status of this application was reviewed. As a result of such review, Applicant's patent liaison recognized that an earlier agreement, predating the preparation and filing of the above-identified patent application, had granted rights in the invention covered by the above-identified application to another company, which is a large entity.

Patent Application No. 10/074,900

Unfortunately, the inclusion of rights in the above-identified application in the agreement was not recognized at the time of filing of the small entity claim for the above-identified application. As a result, Applicant's claim of small entity status at the time of filing was in error.

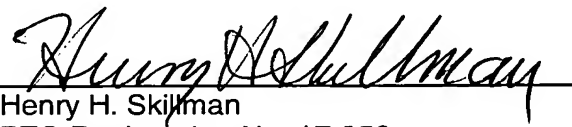
In order to correct the error pursuant to 37 C.F.R. §1.28(c), Applicant is making the required payment of the deficiency between the filing fee previously paid under the claim of small entity status and the amount that would have been presently due based on a claim of large entity status. The total deficiency of \$370.00 is now being paid in full. Applicant calculates the deficiency in the fees as follows:

<u>DATE/FEE TYPE</u>	<u>AMOUNT OF PRESENT FEE</u>	<u>AMOUNT PAID PAID FEE</u>	<u>DIFFERENCE BETWEEN PRESENT AND PAID FEES</u>
Feb. 12, 2002 Filing Fee	\$740	\$370	\$370

The acceptance of the enclosed fee to rectify the erroneous claim of small entity status is appreciated. If any additional fees are due beyond the enclosed payment, the Patent and Trademark Office is authorized to charge any such fees to the above-identified Deposit Account.

Respectfully submitted,

DANN, DORFMAN, HERRELL & SKILLMAN  
A Professional Corporation  
Attorneys for Applicant(s)

By   
Henry H. Skillman  
PTO Registration No. 17,352

Telephone: (215) 563-4100  
Facsimile: (215) 563-4044

Enc: Check in the amount of \$370